

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

CHRISTOPHER FAIN; ZACHARY
MARTELL; and BRIAN MCNEMAR,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

CIVIL ACTION NO. 3:20-cv-00740
JUDGE CHAMBERS

WILLIAM CROUCH, in his official capacity as
Cabinet Secretary of the West Virginia
Department of Health and Human Resources;
CYNTHIA BEANE, in her official capacity as
Commissioner for the West Virginia Bureau for
Medical Services; WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN
RESOURCES; TED CHEATHAM, in his official
capacity as Director of the West Virginia Public
Employees Insurance Agency; and THE
HEALTH PLAN OF WEST VIRGINIA, INC.,

Defendants.

**DEFENDANT THE HEALTH PLAN OF WEST VIRGINIA, INC.'S
MOTION TO DISMISS**

Defendant The Health Plan of West Virginia, Inc., by counsel, hereby moves this
Honorable Court to dismiss Defendant from this civil action pursuant to Rule 12(b)(6) of the
Federal Rules of Civil Procedure. A memorandum in support of such motion is being filed
herewith.

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CERTIFICATE OF SERVICE

I hereby certify that on the **11th day of January, 2021**, I electronically filed
“Defendant The Health Plan of West Virginia, Inc.’s Motion to Dismiss,” with the Clerk of the
Court using the CM/ECF system which will send notification of such filing to the following
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